

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-3, 5, 6, 8-14, 16-18, 20-22, 24-26, and 28 are pending in this application. Claims 1-3, 5, 6, 8-10, and 12 are amended. Claims 1 and 9-12 are the independent claims.

**Applicant Request for Interview**

The Applicant respectfully requests a telephonic interview with the Examiner before the Examiner issues the next action in this case. The Applicant respectfully requests the Examiner to contact the undersigned to schedule an interview.

**Rejections under 35 U.S.C. § 112**

Claims 1-3, 5, 6, and 8 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action alleges the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Specifically, the Office Action on page 3 asserts there is no teaching in the prior art of the term "computer readable medium." The specification provides support for this term. FIG. 18 shows a computer readable medium, item 1, the optical disc that is being read by a computer apparatus. However, to forward prosecution of the present application, the term "computer readable medium" has been removed from claims 1-3, 5, 6, and 8 and been replaced with the term "recording medium" as suggested by the Examiner. The Applicant asserts that a recording medium does find support in the present application. Further, the Applicant acknowledges the Examiner's indication

that the term "recording medium" would overcome the 112, first paragraph, rejections set forth on page 2 of the Office Action. In view of the comments made above, the Applicant respectfully requests that that rejections under 35 U.S.C. §112, first paragraph, of claims 1-3 and 5-8 be removed.

**Rejections under 35 U.S.C. § 101**

Claims 1-3, 5, 6, and 8 stand rejected under 35 U.S.C. § 101 because claims are directed to non-statutory subject matter. The Applicant respectfully traverses this rejection.

The Examiner treats the term "computer readable medium" as a signal. The Applicant does not agree with this interpretation, however, as mentioned above, the term "computer readable medium" has been removed claims 1-3, 5, 6, and 8 and has been replaced with the term "recording medium" which is a physical object and could not be interpreted as a signal and is statutory subject matter. The Applicant respectfully requests that the rejections under 35 U.S.C. §101 of claims 1-3, 5, 6, and 8 be removed.

**Rejections under 35 U.S.C. § 102**

Claims 1-3, 8-13, 16, 17, 20, 21, 24, 25, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,923,627 to Miwa et al. ("Miwa"). The Applicant respectfully traverses these rejections.

A claim is anticipated only if each and every element as forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP Sec. 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2D 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir.1987).

The Applicant respectfully asserts that Miwa does not teach or suggest all of the limitations set forth in the claims for at least two reasons. First, with respect to independent claim 1, claim 1 recites a recording medium including, among other things, "one or more pallet information segments, each pallet information segment providing color information and opacity information." On page 5 of the Office Action it is asserted that the opacity information for the associated color information corresponds to the mixing ratio of Miwa as shown in col. 33, lns. 60-67. The Applicant respectfully asserts that this is based on a misreading of Miwa and/or a misunderstanding of opacity information. The opacity information relates to information dealing with opacity. Opacity is used in the claims according to its standard definition. Opacity relates to transparency or how light passes through something. In contrast, the mixing ratio of Miwa is not at all related to opacity but rather contrast. In general, contrast is relative difference in luminescence, between images or pixels. The mixing ratio of Miwa is not related to opacity as recited in claim 1. For at least this reason, the Applicant respectfully asserts that Miwa does not teach or suggest all of the limitations set forth in claim 1.

Second, claim 1 also recites a recording medium where, among other things, "each pallet information segment has an identifier and the at least one graphic image reproduction segment refers to one or more pallet identification segments using an identifier of the pallet information segment during reproduction of one or more graphic images." The Applicant respectfully asserts that Miwa does not teach or suggest this limitation.

The Applicant recognizes on page 5 of the Office Action that the Examiner interprets the coordinate of the item color information as the claimed "identifier" and the coordinate is used by the decoder for reproduction. The Applicant respectfully disagrees with this interpretation. The coordinate of Miwa does not identify the pallet

itself. Rather, the coordinate identifies the location on the screen to which color information is applied. In contrast, claim 1 recites each pallet information segment having an identifier. An example of this may be seen in FIGS. 6-8 and described in the corresponding text in the specification. The pallet having an identifier which can be used to identify a specific pallet is certainly not taught or suggested by a coordinate which identifies a location on a screen to which color information may be applied. For at least these reasons, the Applicant respectfully asserts that not all of the limitations of claim 1 are taught or suggested by Miwa. For at least this reason, the Applicant respectfully request that the rejections under 35 U.S.C. §102 of claim 1 and its dependent claims 2-3, and 8 be removed.

The Applicant further notes that similar language discussed above with respect to claim 1 can be found in independent claims 9, 10, 11, and 12. For at least these reasons, the Applicant respectfully requests that the rejections under 35 U.S.C. §102 of independent claims 9, 10, 11, and 12 their corresponding dependent claims 13, 16, 17, 20, 21, 24, 25, and 28 be removed.

### **Rejections under 35 U.S.C. § 103**

Claims 5, 6, 14, 18, 22, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miwa applied to claims 1-3, 8-13, 16, 17, 20, 21, 24, 25, and 28 above, and further in view of U.S. Patent 6,876,008 to Pintz et al. ("Pintz"). The Applicant respectfully traverses this rejection.

Claims 5, 6, 14, 18, 22, and 26 are ultimately dependent upon one of the independent claims 1, 9, 10, 11, and 12 mentioned above and described above to be patentable. Therefore, claims 5, 6, 14, 18, 22, and 26 are patentable at least by reason of their dependency. The Applicant respectfully request that the rejections under 35 U.S.C. §103 of claims 5, 6, 14, 18, 22, and 26 be removed.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Gary Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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